D.B. CIVIL WRIT PETITION NO.2361/2005

Smt. Mangej Kanwar
Vs.
Union of India and others

Date of Order :: 25-04-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri G.G. Sharma, Sr. Advocate with
Shri A.K. Garg, for the petitioner.
Shri G.C. Garg, with
Shri Alok Garg, for the respondents.

When the petition was taken up, prayer for adjournment was made on behalf of the petitioner. It was stated that petitioner has passed away and time may be allowed to her legal representatives to get themselves substituted and pursue the case. The prayer was opposed on behalf of the respondents. It was submitted that the claim of the deceased petitioner was misconceived and no useful purpose would be served by giving opportunity to her legal representatives to pursue the matter. It was pointed out that on the own showing of the petitioner, her husband died in 1948 while in service of the Eastern Punjab Railways whereas the claim for family pension was made for the first time in 1998 i.e. after 50 years. It was stated that the family pension scheme itself was introduced in respect of the employees of the Central Government for the first time in 1964.

We are of the view that in the circumstances of the case no useful purpose would be served by allowing the petitioner's legal representatives to pursue the matter.

The petition is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen